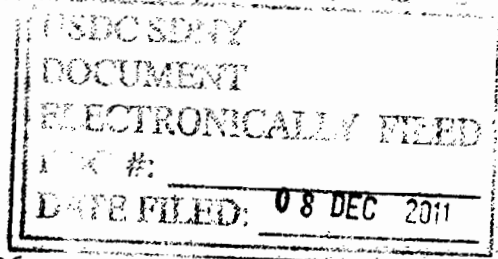


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December 6, 2011



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Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

MEMO ENDORSED

Re: American Civil Liberties Union and American Civil Liberties Union Foundation v.
Federal Bureau of Investigation and U.S. Department of Justice, 11 Civ. 6398 (LTS) (GWG)

Dear Judge Swain:

We represent plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation. On behalf of and with consent from all parties in this matter, we write to request that the Court accept this joint letter in lieu of the preliminary pre-trial statement that the Court's Initial Conference Order directed the parties to file on or before December 9, 2011.

Pursuant to the Freedom of Information Act ("FOIA"), plaintiffs bring this action seeking the processing and release of records concerning the issuance of national security letters under 18 U.S.C. §§ 2709 and 3511. Plaintiffs submitted a FOIA request for the release of these records on March 15, 2011.

The parties expect that this case, like most FOIA cases, will be resolved on a motion or cross-motions for summary judgment. The parties do not expect that discovery or a trial will be necessary. Counsel for all parties have conferred and continue to confer regarding a processing schedule. We expect to submit a joint stipulation concerning such a schedule in advance of the pre-trial conference that is scheduled for December 16, 2011.

We request that the Court accept this joint letter in lieu of a preliminary pre-trial statement or written report pursuant to Fed. R. Civ. P. 26(f) because, in the view of all parties, much of the information that such a statement or report would set forth would not be useful in this matter. In the event that the Court denies this request, all parties will of course file a preliminary pre-trial statement as directed in the Initial Conference Order.

Respectfully submitted,

Richard I. Haddad
Richard I. Haddad

Cc: AUSA Brian Morgan (via email)

The request to waive the written report is granted.

SO ORDERED.

NEW YORK, NY

[Signature]
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

Dec 7, 2011